



PATENT
Atty. Docket No. 0063.024

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX AF, Assistant Commissioner of Patent and Trademarks, Washington, D.C. 20231 on November 11, 1999.

Gyne Riser
Gyne Riser

11.11.99
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MICHAEL HOUGHTON, et al.

Serial No.: 08/441,443

Group Art: 1643

Filed: May 15, 1995

Examiner: M. Zeman

For: NANBV DIAGNOSTICS AND VACCINES

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

BOX AF
The Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Chiron Corporation ("Chiron"), having a place of business in Emeryville, California, in the County of Alameda (Post Office Address: Intellectual Property – R440, P.O. Box 8097, Emeryville, California 94608) and a corporation of Delaware, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified application, filed on May 15, 1995, Serial No. 08/441,443 ("the '443 application") directed to "NANBV Diagnostics and Vaccines" by virtue of an assignment recorded in U.S. Application Serial No. 07/456,637 (filed on December 21, 1989, hereinafter "the '637 application", which is the grandparent of the '273 application) in the U.S. Patent and Trademark Office at Reel 5272, Frame 0991, on March 8, 1990. Chiron also is the owner of the entire right, title and interest in U.S. Patent No. 5,714,596 ("the '596 patent") entitled "NANBV Diagnostics: Polynucleotides Useful for Screening for Hepatitis C Virus" by virtue of an assignment recorded in U.S.

Application Serial No. 07/566,209 (filed on August 10, 1990, hereinafter "the '209 application", which is the parent of the application that matured into the '596 patent) in the U.S. Patent and Trademark Office at Reel 5484, Frame 0089, on October 12, 1990.

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The undersigned hereby states that he has reviewed all the documents in the chain of title, and believes to the best of his knowledge that title of this application is in the assignee, Chiron.

Chiron hereby disclaims the terminal part of any patent granted on the '443 application or on any application under 35 U.S.C §120 that would extend beyond the expiration date of the '596 patent. Chiron hereby agrees that any patent so granted on the '443 application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '596 patent, and that this agreement is binding upon the grantee, its successors, or its assigns.

Chiron does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term of the '596 patent, in the event that that patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

The statutory fee for this Terminal Disclaimer under 37 C.F.R. §1.20(d) accompanies this response.

I hereby represent that I am duly authorized to sign on behalf of Chiron Corporation.

Executed at Villanova, Pennsylvania on 4-Nov-1999

By: Alisa A. Harbin

Alisa A. Harbin, Esq.
Assistant Secretary

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